

**Testimony of  
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before the  
Subcommittee on Water Resources and the Environment  
House Committee on Transportation and Infrastructure  
  
Hearing on the Chesapeake Bay Program Reauthorization and H.R. 4126,  
*The Chesapeake Bay Restoration Enhancement Act of 2005*  
Washington, D.C.**

**May 4, 2006**

Chairman Duncan, Congressman Gilchrest, members of the Committee, thank you for this opportunity to testify before you today. My name is Ann Pesiri Swanson. I have worked on Chesapeake Bay restoration for more than twenty years and have served for the last 18 years as Executive Director of the Chesapeake Bay Commission.

The Chesapeake Bay Commission is a tri-state legislative commission, established in 1980 prior to the creation of the Chesapeake Bay Program, to advise the members of the general assemblies of Maryland, Virginia and Pennsylvania on matters of Baywide concern. I have been asked to share with you the Commission's perspective on how the Chesapeake Bay Program can be improved, whether H.R. 4126 effectively addresses these issues, and if not, what revisions should be considered by this Subcommittee to ensure that it does.

First, let me address the broad question of the performance of the Chesapeake Bay Program and opportunities for improvement. I think it is important at the start to offer a few examples of the Program's achievements. First, let me underscore that the EPA Chesapeake Bay Program was designed as a partnership. A unique partnership that brought together three, and now parts of six states, the District of Columbia, more than a dozen Federal agencies, thousands of local governments, academic and scientific institutions, private and non-profit organizations, and citizens—all with their own particular interest and capacity in restoring the health and vitality of this 64,000 square mile watershed.

It has been the role of the Chesapeake Bay Program to coordinate that intricate partnership. Looking back over the past 23 years since its inception, I can say unequivocally that, in overseeing the advancement of scientific understanding about the Bay, the Chesapeake Bay Program is unparalleled in its accomplishments. Perhaps nowhere else on earth is the science of an estuary more advanced. This science has been solidified through both world class modeling and extensive monitoring. Is it perfect? No. Science by its nature is continually evolving and corrections should be encouraged as new techniques and new data become available.

Not only do we understand what is causing the Bay's decline, we also know how to restore it. The science, expertise, and crucial relationship-building among Bay Program partners led to the development of the *Chesapeake 2000* agreement, a blueprint for addressing watershed degradation that is considered a landmark nationwide. Since then, EPA's Bay Program has led an incredibly rigorous process to establish new water quality goals and standards and has embarked on an innovative basinwide permitting approach that will achieve major nutrient reductions from wastewater treatment facilities in our region.

These are but a few recent examples of Bay Program leadership; I know that Mr. Grumbles and Secretary Franks will provide more detail on the accomplishments of the Bay Program partnership and the major restoration efforts that have been undertaken and are now in place. But of course, the ultimate question remains: How have these commendable efforts improved the water quality of the Bay and the health of the watershed?

I presume there is widespread agreement among this Subcommittee and among all of us who care about the Chesapeake that progress has been excruciatingly slow. We are holding the line against tremendous population pressure and its attendant impact on natural resources and pollution loads. We are showing real improvements in local water bodies, but the broadbrush assessment of the Bay causes continued concern.

To quote the Bay Program's bottomline: "Improving trends have been identified in nutrient concentrations in tidal water in much of the Chesapeake Bay...however, water quality in most of the Bay remains at a degraded level which is inadequate to support the Bay's fish, crabs, oysters and underwater grasses."

This, from an agency that has been criticized for being overly optimistic in its assessments of Bay health. What is critical to the focus of today's hearing is to what extent the Bay Program is responsible for the slow rate of progress in restoring the Bay. To partially answer that question, let me quote again from the Program itself:

"The partners are implementing a wide array of nutrient and sediment management practices and upgrading wastewater treatment technologies...but at rates that will likely yield achievement of our nutrient and sediment cap loads decades from now." (CBP, 2005)

And what is affecting those rates of implementation? There are simply inadequate resources to get the job done. Whether you work with the total sum of the states' tributary strategies or the Commission's Cost of a Clean Bay report or a host of other financial assessments, annual funding from all sources is at minimum one-quarter of the funding needed.

The Chesapeake Bay Program is managing a restoration effort that carries with it a price tag in the multiple billions of dollars, yet it is operating on \$20 million per year. HR 4126 wisely increases this annual appropriation to \$50 million. This, in turn, will enhance the program's ability to leverage and direct funds from its state and Federal

partners, which currently, according to the GAO, amounts to some \$560 million in direct and indirect funding per year.

Are there opportunities for improving the Chesapeake Bay Program? Of course. The GAO paid particular attention to the Bay Program's reporting mechanisms and assessments of progress. HR 4126 effectively addresses these issues, and while the Commission generally supports the bill's provisions, certain reporting requirements and responsibilities, as I will address below, may be difficult to fulfill within the deadlines indicated.

These reports solidify the accountability necessary on the part of any organization that receives Federal funding. I would like to commend the Bay Program on its recent Chesapeake Bay Health and Restoration reports, which clearly link restoration efforts with environmental results and improve the communication of modeling and monitoring data.

But I must remind you: answering the question "How is the Bay doing?" brings you quickly into a quagmire of complexity. Based on what parameters? Water quality? Living resources? And at what level of detail? Main Bay or tributaries? Generalizations can work to either mask or over-state real indicators of progress.

Reports that dissect these conditions, as important as they may be, do not ensure additional nutrient reduction, growth of underwater grasses, or improved fish habitat. At the end of every day, month, or year, we must ask ourselves: Did we capture the pounds of pollution we need to trigger a response? Did we restore, protect or improve an acre of habitat?

With my remaining time, I would like to address improvements to the Bay Program that could accelerate our rate of progress.

- 1) We must do a better job of **targeting available resources**, so that the most cost effective pollution reduction measures are applied to those areas which can deliver the greatest reductions. HR 4126 acknowledges this need through addressing the important role of the Small Watersheds Grants Program. Additional criteria may be required for an expanded program to ensure that funds are furthering tributary strategy goals in the most cost effective and strategic manner possible. The new Targetted Watershed Grants program is another important vehicle for addressing non-point pollution control in critical areas of the watershed.
- 2) We must **educate, engage and incentivize local governments**. The impacts of poorly planned urban and suburban development will overwhelm restoration efforts unless Bay-friendly principles are incorporated into local land use and decision making. HR 4126 begins to address this issue, but falls short by investing too much responsibility in the Local Government Advisory Committee. In order to initiate widespread action by local governments, financial assistance must be increased for sustained local protection and restoration efforts. These

communities wrestle with an incredible number of competing demands on their limited resources, yet they are being asked to shoulder a substantial and costly portion of the Bay restoration burden. The Commission supports the comments offered by Secretary Franks on behalf of Governor Ehrlich which address the critical need for **local capacity building** through an expanded small watershed grants program.

- 3) HR 4126 calls for a report on the **role of each Federal agency** involved in the Bay restoration, as well as an interagency crosscut budget and accounting of Bay-related funds. The Commission supports these provisions. But I close by appealing to the members of this Subcommittee: Substantially increased Federal support is a prerequisite to improved rates of progress in restoring the Chesapeake Bay. Without it, you simply cannot have a Bay clean enough to remove it from the Federal Impaired Waters List by 2010.

The residents of the watershed have contributed to broad-based user fees such as the Maryland Restoration Fund, citizens have approved major bond initiatives such as the Pennsylvania Growing Greener program, and in Virginia the Governor and legislature are united in supporting unprecedented increases in dedicated funding for the Bay. But these contributions rely upon continued Federal funding for Clean Water Act programs, such as the State Revolving Loan Fund, and expanded Federal cost share support for the region's farmers through the Federal Farm Bill.

This estuary is at the forefront of ecosystem restoration as it moves forward on its next exciting but daunting challenge: to implement the 36 tributary-specific plans that, through a painstaking collaborative process, have been designed to cut nutrients and sediment loads, thereby improving local waters as well as the Bay. No other region of the country is at this point. We must lead by example and we must succeed. The talent, the commitment, the science, and the partnerships are in place. Our glass remains less than half full, but with the right resources invested, that can change. In fact, we can provide the residents of this watershed with fishable rivers, clean streams and drinking water, abundant wildlife, diverse recreation and jobs that flow from a thriving resource-based economy.

The Commission and its colleagues appreciate your commitment to improve the environmental results that flow from Federal, state and local investments in the Bay. With the improvements offered in HR 4126, comprehensive reporting and clear accounting of progress is at hand. For those reports to detail significant, measurable improvements in water quality and ecosystem health, I urge you to make every effort to enhance the Federal investment in the Bay. We still have an enormous task before us, and it can not be done without you.

Thank you. I am happy to answer any questions you may have.